

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ENTESAR OSMAN KASHEF, et al.,

Plaintiffs,

-against-

BNP PARIBAS S.A., BNP PARIBAS S.A. NEW
YORK BRANCH, BNP PARIBAS NORTH
AMERICA, INC., and DOES 2-10,

Defendants.

Civil No. 1:16-Civ-03228-AJN

Hon. Alison J. Nathan

ECF Case

**REQUEST FOR JUDICIAL NOTICE OF DOCUMENTS AND FACTS IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

Pursuant to Rule 201(b)(2) of the Federal Rules of Evidence, Plaintiffs request that the Court take judicial notice of (1) a letter from the office of the New York County District Attorney to counsel for Plaintiffs regarding certain Plaintiffs' requests pursuant to the New York Freedom of Information Law ("FOIL"), (2) a letter from the U.S. Department of Justice, Federal Bureau of Investigation, to counsel for Plaintiffs regarding certain Plaintiffs' requests pursuant to the Freedom of Information Act ("FOIA"), and (3) a letter from the U.S. Department of Justice, Criminal Division, to counsel for Plaintiffs regarding certain Plaintiffs' FOIA. True and correct copies of these letters are attached to the accompanying Declaration of Matthew P. Rand as Exhibits 1, 2, and 3, respectively.

A court may take judicial notice of decisions of administrative agencies and departments of the federal government.¹ Further, a court may also take judicial notice of records of state agencies.²

¹ See *United States Sec. & Exch. Comm'n v. Ustian*, No. 16 C 3885, 2017 WL 365572, at *12 (N.D. Ill. Jan. 24, 2017) (taking judicial notice of the EPA's FOIA denial letter); see also *Ibrahim v. Dep't of Homeland Sec.*, 669 F.3d 983, 988 (9th Cir. 2012) (taking judicial notice of a State Department letter denying plaintiff's visa application).

CONCLUSION

For the reasons set forth above, Plaintiffs respectfully request that the Court grant this request and take judicial notice of the FOIL and FOIA response letters.

Respectfully submitted,

Dated: Los Angeles, California
May 22, 2017



Matthew P. Rand

MCKOOL SMITH, P.C.
Kathryn Lee Crawford (NY SBN 2370443)
Thomas B. Watson (admitted pro hac vice)
One California Plaza
300 S. Grand Avenue, Suite 2900
Los Angeles, California 90071
Tel: 213-694-1095
Fax: 213-694-1234
lboyd@mckoolsmith.com
twatson@mckoolsmith.com

Matthew P. Rand (NY SBN 4937157)
One Bryant Park
47th Floor
New York, New York 10036
Tel: 212-402-9400
Fax: 212-402-9444
mrando@mckoolsmith.com

Attorneys for Plaintiffs

² See *Bryant v. New York State Educ. Dep't*, 692 F.3d 202, 217 (2d Cir. 2012) (taking judicial notice of the State Education Department's investigation).

Of Counsel:

Robert L. Palmer
One California Plaza
300 S. Grand Avenue, Suite 2900
Los Angeles, California 90071
Tel: 213-694-1095
Fax: 213-694-1234
rpalmer@mckoolsmith.com

Attorneys for Plaintiffs